

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONSTRUCTION ENTERPRISES, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
GEMINI INSURANCE COMPANY,)	CASE NO. Case 3:23-cv-00383
ALLIED WORLD NATIONAL)	
ASSURANCE COMPANY, EVANSTON)	JURY DEMANDED
INSURANCE COMPANY, OHIO)	
CASUALTY INSURANCE COMPANY,)	
COLONY INSURANCE COMPANY,)	
LIBERTY INSURANCE CORP.,)	
ENDURANCE AMERICAN SPECIALTY)	
INSURANCE COMPANY, and)	
SELECTIVE INSURANCE COMPANY)	
OF THE SOUTHEAST.)	
)	
Defendants.)	

**UNOPPOSED MOTION TO CONTINUE
INITIAL CASE MANAGEMENT CONFERENCE AND FILING DEADLINES**

Plaintiff Construction Enterprises, Inc. (“CEI”) respectfully moves the Court to continue the current case deadlines, including the dates for Defendants to respond to the Amended Complaint and the initial case management conference currently set for September 22, 2023, for an additional 90 days to allow time for negotiations seeking resolution of claims underlying the dispute at issue in this case. In support of its motion, CEI states as follows:

1. On April 20, 2023, CEI filed its original Complaint in this matter (Doc. 1), and the following day the Court scheduled an initial case management conference for June 20, 2023 (Doc. 4).

2. On May 16, 2023, prior to the filing of any responsive pleadings, CEI filed its First Amended Complaint adding parties and claims based on ongoing conduct (Doc. 10). *See* Fed. R. Civ. P. 15(a)(1)(B).

3. On June 14, 2023, the Court reset the Initial Case Management Conference for August 28, 2023 (Doc. 20).

4. On July 10, the Court reset the Initial Case Management Conference for September 22, 2023 (Doc. 31).

5. CEI has been working in good faith to resolve underlying litigation against CEI that is described in the Complaint. A final settlement agreement has been agreed to by all parties and is in the process of being executed. CEI anticipates all settlement related activities for the underlying matter will be resolved within 60 days.

6. As it would be more efficient for the Court and parties to allow the underlying litigation to be resolved before proceeding with responsive pleadings and an initial case management conference, CEI respectfully requests an additional 90-day continuance of the initial case management conference through December 21, 2023 and an equal 90-day extension of all deadlines for filing responsive pleadings.

Consistent with Local Rule 7.01(a)(1), counsel for CEI has forwarded notice of this request to all counsel who have appeared in this matter. All counsel of record consent to the continuance of the initial case management conference requested in this motion.

Respectfully submitted,

/s/ Jeffrey W. Sheehan

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the Court using the electronic filing system, which served a copy on the parties listed below on this the 1st day of September 2023.

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